IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

Crl.MC.No. 1610 of 2001()

(CRIME NO. 53/2001 OF KALADY POLICE STATION ON THE FILE OF THE SPECIAL COURT, THRISSUR, FOR E.C. ACT CASES)

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PETITIONER: IST ACCUSED IN CRIME NO.53/01 OF KALADY POLICE STATION

T.M.BAVA, S/O.MOHAMMED,
THARAYIL HOUSE, SREE BHOOTHA PUKAM,
SREEMOOLA NAGARAM P.O.

BY ADV. SRI.K.A.JALEEL
SRI.C.ANILKUMAR (KALLESSERIL)

RESPONDENT: COMPLAINANT

THE STATE OF KERALA, REP.BY
THE SUB INSPECTOR OF POLICE,
KALADY POLICE STATION,
CRIME NI.53/2001 OF KALADY POLICE STATION,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP. NO.1415/2001 IN CRL.M.C. NO.1610/2001

DISMISSED

22.06.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.M.C.NO.1610 of 2001-A

DATED THIS THE 22nd JUNE 2007

ORDER

The petitioner is the accused in Crime No. 53/2001 of Kalady police station registered under Sections 3(4)(b) read with section 7(2) of the Essential Commodities Act. It is the prosecution allegation that the petitioner/accused in violation of the order of the R.D.O. is digging earth, taking clay and making bricks. It is submitted that the action of the petitioner can never be brought under the provisions of the Essential Commodities Act.

As per the definition contained in Section 2(a) of the Essential Commodities Act, the impugned commodities are not covered. Hence, the proceedings initiated against the petitioner under the Essential Commodities Act is herewith quashed. It is made clear that this order will not restrain the authorities from initiating proceedings under the provisions of the relevant statute. The proceedings in Crime No. 53/2001 of Kalady police station is herewith quashed. The Crl.M.C.is disposed of accordingly. .

K.R.UDAYABHANU, JUDGE

ks.

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